



# GARDINER CITY COUNCIL AGENDA ITEM INFORMATION SHEET



<b>Meeting Date</b>		<b>Department</b>	
<b>Agenda Item</b>			
<b>Est. Cost</b>			

Background Information

<b>Requested Action</b>	
<b>City Manager and/or Finance Review</b>	
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

§ 1.4.4. **Special Events Permit.** [Added 3-7-2012; amended 1-8-2014]

1.4.4 Purpose. The purpose of this Ordinance is to provide the City of Gardiner with a mechanism for regulating the dates, times, location and conditions under which permittees are authorized to make use of City Property in a manner; ~~which is~~

Commented [GS1]: This is a super long run-on sentence

~~Which is~~ consistent with public health, safety and welfare;

- a) ~~and which~~ Which promotes the use of City Property for ~~special~~ recreational, entertainment, or charitable events;
- a) ~~and to~~ Which minimizes Which minimizes potential conflicts in the public's use of City property for private or organizational purposes.

1.4.4.1 Definitions. For purposes of this Ordinance, the following definitions shall apply:

CITY PROPERTY: ~~Shall mean any land and buildings owned by the City of Gardiner, Maine including but not limited to parks, sidewalks, and streets.~~

b)

~~SPECIAL EVENT:~~—~~Shall mean any event, sponsored by an individual, corporation, partnership or other entity or organization intended primarily for recreational, entertainment or charitable purposes, which requires the use of City Property of the City of Gardiner, Maine. An organized activity that has a predetermined start and end time with 25 or more persons. These are events that include, but are not limited to: festivals, performances, fundraisers, competitions, or other organized public events where public property will be used, as well as events that are not intended for the public such as wedding ceremonies, family gatherings, company picnics.~~

1.4.4.b.1. MAJOR EVENT: ~~Shall mean an event exceeding four hours in duration and/or more than 100 people affiliated with the event (e.g. community festival; carnival; street dance; charitable walk for a cause). Also, a major event clearly involves additional City services (e.g. police protection; vendors needing electrical usage; etc.). The application for a major event must be submitted at a minimum 60 days prior to the event.~~

~~MINOR EVENT:~~—~~Shall mean an event not exceeding four hours in duration and/or fewer than 100 people affiliated with the event (e.g. wedding ceremony, etc.). The application for a minor event must be submitted at a minimum 30 days prior to the applied for event.~~

~~MAJOR EVENT~~—~~Shall mean an event exceeding four hours in duration and/or more than 100 people affiliated with the event (e.g. community festival; carnival; street dance; charitable walk for a cause). Also, a major event clearly involves additional City services (e.g. police protection; more than one vendor needing electrical usage; etc.).~~RECURRING EVENT: ~~Shall mean an event of any size occurring more than two times in a 60 day period.~~

1.4.4.b.2. CITY PROPERTY —~~Shall mean any land and buildings owned by the City of Gardiner, Maine including but not limited to parks and streets.~~

b) 1.4.4.2 Special events permit Application required: All ~~special~~ events which will make use of any city property shall require an application, ~~which will be reviewed and interpreted as a Major or~~

~~Minor event by the City Manager, City Clerk, Police Chief, Fire Chief, Public Works Director and other appropriate department managers.~~ No person may conduct a Major or Minor ~~Special~~ Event on City Property without ~~an~~ ~~Special Events~~ Permit issued by the Gardiner City Council or City Manager pursuant to this Ordinance. The City Manager, or ~~their his~~ designee, shall be authorized to issue permits for events deemed to be ~~a~~ Minor Events. The City Council shall be authorized to issue permits for events deemed to be ~~a~~ Major Events and may consider appeals for Minor Event applications which have been denied by the City Manager (or ~~his their~~ designee). The City Council shall ~~refer to the fee schedule set a fee for this permit~~ and may waive this fee for ~~the Greater Gardiner River Festival Committee and~~ any 501(c)(3) non-profit organization if the Council deems the event to be in the best interest of the public. ~~When If~~ granted, ~~an~~ ~~Special Events~~ Permit shall ~~not~~ confer on the grantee the exclusive right to use the ~~City property building(s) and/or area(s)~~ described in the ~~permit, permit~~ during the time and for the purposes described in the permit. ~~During the time of a permitted Special Event, the building(s) and/or area(s) where the event is conducted shall be deemed closed to other public uses, except for emergency uses.~~ The grantee shall have authorization to issue its own licenses and fees for participation by other individuals and/or organizations in the event.

Commented [GS2]: Do we want to be this specific?

~~e) Special Events~~ ~~Permit~~ ~~AA~~ application. Each ~~Special Events~~ Permit Application shall be submitted to the City Clerk no earlier than twelve (12) months prior to the proposed ~~special~~ event and no later than thirty (30) days prior to the date of a minor event and two (2) months prior to the date of a major event, unless waived by the City Manager or City Council. The application shall be on a form provided by the City and shall include, at a minimum:

- (a) Dates and times of event~~;~~
- (b) Description of the event~~;~~
- (c) Designated areas of City Property to be affected~~;~~
- (d) Estimated number of people attending event~~;~~
- (e) Evidence of liability insurance ~~with the City added and ability to add the City~~ as an additional insured ~~at the discretion of the City;~~
- (f) Plan for ~~after-post~~ function clean up~~;~~
- (g) Plan for dealing with traffic, parking, and crowd control~~;~~
- (h) Need for sanitary facilities for the event~~;~~
- (i) List of proposed vendors, if any at the event~~;~~
- (j) Need for city services, utilities, etc. for the event~~;~~
- (k) Whether amplified sound will be used~~;~~
- (l) Such additional information as the Gardiner City Council feels necessary for determination of compliance with this ordinance and efficient operation of City property~~;~~
- (m) ~~Show~~ ~~P~~proof of all State licensing and permits~~;~~
- (n) Whether overnight or similar accommodations will be necessary, including, but not necessarily limited to, camping in tents or similar arrangements. ~~Notwithstanding City Ordinance Title 11, Chapter 2, Section 11.2.8, the City Council may approve camping as part of a special event so long as they find it is necessary and no reasonable alternative exists. Alternately,~~ City Council may deny camping as part of the event but approve the rest of the event~~;~~

d)c) 1.4.4.3 Criteria for issuance of an special-Events permit. In ~~considering~~ determining whether to issue an Special-Events permit, the City Manager and City Council shall consider:

~~1.4.4.d.1. 1.4.4.3.1 Whether~~If the proposed ~~Special~~-Event is consistent with the goal of promoting use of City Property for recreational, entertainment, or charitable events. This criterion shall not apply to parades, demonstrations, protests, or other First Amendment activities.

~~1.4.4.d.2. 1.4.4.3.2 Whether~~If the proposed ~~Special~~-Event can be conducted in the location proposed without endangering public health and order of the City property by:

~~(a) Providing adequate traffic control for the event.~~

~~(b) Providing adequate crowd control for the event.~~

~~(c) Having adequate liability insurance and naming the City as an additional insured.~~

~~(d) Having arrangements for clean up of the property following the event.~~

~~(e) Not posing a burden on municipal services or utilities.~~

~~(f) (a) Whether the event will have Not having an undue adverse effect on neighboring properties due to noise, litter or other negative impacts, features.~~

~~1.4.4.d.3. (b) Past experience with the sponsoring organization/individuals.~~

~~1.4.4.d.4. The City reserves the right to establish blackout dates where City Property will not be available for permitted events and may use this as a basis to deny a Special Events permit.~~

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e)d) ~~1.4.4.4~~ Impact on City ~~S~~services. Some events may necessitate the need for City services, including staff time, materials, and other resources. The City shall provide a good faith estimate to each applicant for the cost of these services and the applicant shall be responsible for these costs as a condition of the issuance of the permit. ~~The City Council may elect to waive this charge for the Greater Gardiner River Festival Committee and any 501(c) non-profit organization where the expected cost to the City will be \$500 or less and the Council deems the event is in the best interest of the community. The Council may also waive up to half of this charge for the Greater Gardiner River Festival Committee and any 501(c) non-profit organization where the expected cost to the City will be over \$500 and the Council deems the event is in the best interest of the community. For events at which the sponsoring individual or organization expects to make a profit (i.e. fundraisers), the City shall require that any waived charges be reimbursed to the City before the entity takes a profit. "Profit" shall be defined as the difference between all related event revenue less all related event expenses. "Event revenue" shall be defined as any money raised related to the event, including but not limited to admission fees, food and goods sales or commissions, vendor participation fees, and cash sponsorships/donations. "Event expenses" shall be defined as actual cash costs incurred by an organization specific and exclusive to the event. Event expenses shall not include in-kind donations of goods or services nor shall it include staff/volunteer time devoted to the event.~~ Event organizers shall be solely responsible for any damage to City property resulting from their event and, as a condition of their permit, agree that the City may take whatever action is necessary to recoup all costs associated with repairing the damage and returning the property to its normal state.

~~f) 1.4.4.5~~ Penalties. Pursuant to 30-A MRSA sec. 3001(3), any person who violates any provision of this Ordinance or who fails to comply with terms of a ~~Special-Events~~ Permit commits a civil violation and shall be subject to a penalty not to exceed \$500.00, plus an amount equal to any City costs incurred for police services, trash removal or property damage of public property. Each day such violation continues or is repeated by the same person shall constitute a separate violation. Violations of this policy shall be enforceable by the ~~Gardiner Police Department, City of Gardiner.~~ All penalties collected hereunder shall inure to the City of Gardiner. Event organizers are also expected to independently secure all other necessary permits and licenses associated with their event. ~~This includes copyright fees for any music that may be played during the event. If music is performed during the event without proper licensing from an agency such as BMI or ASCAP and the City is fined as a result, the sponsoring organization(s)/individual(s) shall be responsible for repayment of this fine to the City along with any associated legal costs.~~

~~g)e)~~ 1.4.4.6 General.

~~1.4.4.g.1.~~ 1.4.4.6.1 No rights created. This ordinance grants no rights to and creates no property or other legal interest in any person. The City Council retains full control over City Property and may at its sole and exclusive discretion issue, issue with conditions or deny ~~Special-Events~~ Permits. Decision of the City Council under this Ordinance shall be final, ~~and this Ordinance provides no right of appeal.~~

~~1.4.4.g.2.~~ 1.4.4.6.2 City not liable. The holder of ~~aan~~ ~~Special-Events~~ Permit shall be solely responsible for conducting the ~~Special-Event~~ in compliance with the conditions of the Permit and for maintaining public safety and order during the ~~Special-Event~~. The City of Gardiner assumes no liability or responsibility by issuing the Permit.

~~1.4.4.g.3.~~ 1.4.4.6.3 Conflict with Other Ordinances. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other statute, rule, ordinance, regulation, by-law, permit or other legal requirements. Where this Ordinance imposes a greater restriction upon the use of City Property, the provisions of this Ordinance shall prevail.

1.4.4.6.4 Validity and Severability. Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not invalidate any other section or provision of this Ordinance.

~~1.4.4.g.4.~~

~~1.4.4.g.5.~~ 1.4.4.7 Exemptions. This Ordinance shall not apply to any event sponsored, organized or conducted by any department or agency of the City of Gardiner. Scheduling of such municipal events shall be subject to the control of the City Council or their designee for events held on City Property.



#### **§ 1.4.4. Events Permit.**

1.4.4 Purpose. The purpose of this Ordinance is to provide the City of Gardiner with a mechanism for regulating the dates, times, location and conditions under which permittees are authorized to make use of City Property in a manner:

Which is consistent with public health, safety and welfare;

- a. Which promotes the use of City Property for recreational, entertainment, or charitable events;
- b. Minimizes potential conflicts in the public's use of City property for private or organizational purposes.

1.4.4.1 Definitions. For purposes of this Ordinance, the following definitions shall apply:

**CITY PROPERTY:** Shall mean any land and buildings owned by the City of Gardiner, Maine including but not limited to parks, sidewalks, and streets.

**EVENT:** An organized activity that has a predetermined start and end time with 25 or more persons. These are events that include, but are not limited to: festivals, performances, fundraisers, competitions, or other organized public events where public property will be used, as well as events that are not intended for the public such as wedding ceremonies, family gatherings, company picnics.

**MAJOR EVENT:** Shall mean an event exceeding four hours in duration and/or more than 100 people affiliated with the event (e.g., community festival; carnival; street dance; charitable walk for a cause). Also, a major event clearly involves additional City services (e.g., police protection; vendors needing electrical usage; etc.). The application for a major event must be submitted at a minimum of 60 days prior to the event.

**MINOR EVENT:** Shall mean an event not exceeding four hours in duration and/or fewer than 100 people affiliated with the event (e.g., wedding ceremony, etc.). The application for a minor event must be submitted at a minimum of 30 days prior to the event.

**RECURRING EVENT:** Shall mean an event of any size occurring more than two times in a 60-day period.

1.4.4.2 Application required: All events which will make use of any city property shall require an application. No person may conduct a Major or Minor Event on City Property without an Events Permit issued by the Gardiner City Council or City Manager pursuant to this Ordinance. The City Manager, or their designee, shall be authorized to issue permits for events deemed to be Minor Events. The City Council shall be authorized to issue permits for events deemed to be a Major Events and may consider appeals for Minor Event applications which have been denied by the City Manager (or designee). The City Council shall refer to the fee schedule and may waive this fee for any 501(c)(3) non-profit organization if the Council deems the event to be in the best

interest of the public. If granted, an Events Permit shall not confer on the grantee the exclusive right to use the City property described in the permit, during the time and for the purposes described in the permit. The grantee shall have authorization to issue its own licenses and fees for participation by other individuals and/or organizations in the event.

Events Permit Application. Each Events Permit Application shall be submitted to the City Clerk no earlier than twelve (12) months prior to the proposed event and no later than thirty (30) days prior to the date of a minor event and two (2) months prior to the date of a major event, unless waived by the City Manager or City Council. The application shall be on a form provided by the City and shall include, at a minimum:

- (a) Dates and times of event;.
- (b) Description of the event;.
- (c) Designated areas of City Property to be affected;.
- (d) Estimated number of people attending event;.
- (e) Evidence of liability insurance with the City property being used added as an additional insured at the discretion of the City; .
- (f) Plan for post function clean up;.
- (g) Plan for dealing with traffic, parking, and crowd control;.
- (h) Need for sanitary facilities for the event;.
- (i) List of proposed vendors if any at the event;.
- (j) Need for city services, utilities, etc. for the event;.
- (k) Whether amplified sound will be used;.
- (l) Such additional information as the Gardiner City Council feels necessary for determination of compliance with this ordinance and efficient operation of City property;.
- (m) Proof of all State licensing and permits;.
- (n) Whether overnight or similar accommodations will be necessary, including, but not necessarily limited to, camping in tents or similar arrangements. City Council may deny camping as part of the event but approve the rest of the event;.

1.4.4.3 Criteria for issuance of an Events permit. In determining whether to issue an Events permit, the City Manager and City Council shall consider:

1.4.4.3.1 If the proposed Special Event is consistent with the goal of promoting use of City Property for recreational, entertainment, or charitable events. This criterion shall not apply to parades, demonstrations, protests, or other First Amendment activities.

1.4.4.3.2 If the proposed Event can be conducted in the location proposed without endangering public health and order of the City property by:

(a) Whether the event will have undue adverse effect on neighboring properties due to noise, litter or other negative impacts.

(b) Past experience with the sponsoring organization/individuals.

1.4.4.4 Impact on City Services. Some events may necessitate the need for City services, including staff time, materials, and other resources. The City shall provide a good faith estimate to each applicant for the cost of these services, and the applicant shall be responsible for these costs as a condition of the issuance of the permit. Event organizers shall be solely responsible for any damage to City property resulting from their event and, as a condition of their permit, agree that the City may take whatever action is necessary to recoup all costs associated with repairing the damage and returning the property to its normal state.

1.4.4.5 Penalties. Pursuant to 30-A MRSA sec. 3001(3), any person who violates any provision of this Ordinance or who fails to comply with terms of an Events Permit commits a civil violation and shall be subject to a penalty not to exceed \$500.00, plus an amount equal to any City costs incurred for police services, trash removal or property damage of public property. Each day such violation continues or is repeated by the same person shall constitute a separate violation. Violations of this policy shall be enforceable by the City of Gardiner. All penalties collected hereunder shall be incurred to the City of Gardiner. Event organizers are also expected to independently secure all other necessary permits and licenses associated with their event.

1.4.4.6 General.

1.4.4.6.1 No rights created. This ordinance grants no rights to and creates no property or other legal interest in any person. The City Council retains full control over City Property and may at its sole and exclusive discretion issue, issue with conditions or deny Events Permits. Decision of the City Council under this Ordinance shall be final.

1.4.4.6.2 City not liable. The holder of an Events Permit shall be solely responsible for conducting the Event in compliance with the conditions of the Permit and for maintaining public safety and order during the Event. The City of Gardiner assumes no liability or responsibility by issuing the Permit.

1.4.4.6.3 Conflict with Other Ordinances. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other statute, rule, ordinance, regulation, by-law, permit or other legal requirements. Where this Ordinance imposes a greater restriction upon the use of City Property, the provisions of this Ordinance shall prevail.

1.4.4.6.4 Validity and Severability. Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not invalidate any other section or provision of this Ordinance.

1.4.4.7 Exemptions. This Ordinance shall not apply to any event sponsored, organized or conducted by any department or agency of the City of Gardiner. Scheduling such municipal events shall be subject to the control of the City Council or their designee for events held on City Property.